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HEAD, JOHNSON & KACHIGIAN
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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,034

Applicant(s)

TURNER, WILLIAM

Examiner

Sumaiya A. Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 7, 8, 11, 16, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard et al. (6,061,056).

Considering claim 1, Menard discloses a television system including a display screen (4 - figure 1), a broadcast data receiver (1 - figure 1, col. 2, lines 19-26, col. 4, lines 54-56) for receiving digital data via terrestrial, cable or digital means from a broadcaster (38 – figure 8) and generating auxiliary data (program data – col. 2, lines 5-9) therefrom, said television system including memory means for storing data relating to program information (col. 2, lines 50-58, col. 5, lines 5-10, col. 6, lines 4-6) characterized in that said television system is provided with a search facility (col. 2, lines 50-58, col. 6, lines 47-51) to allow a user to search said memory means by generating a user request for program information, and said television system is capable of matching

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(col. 6, lines 47-50) the request with any corresponding program information in said memory for display (119 – figure 3) on said display screen.

Considering claim 2, Menard discloses a television system which comprises of memory means containing closed caption data relating to program information (col. 2, lines 50-58, col. 3, lines 5-10, col. 5, lines 5-10, col. 6, lines 4-6).

Considering claim 5, Menard discloses a system wherein when a user inputs keywords into the search window, the matching results are displayed. The search has to include keywords defined by the broadcaster or else the system will not be able to provide a match. Alternatively, Boolean combinations are defined by the broadcaster (col. 8, lines 10-18).

Considering claim 7, Menard discloses a television system characterized in that said memory means forms part of the broadcast data receiver (20 – figure 2, col. 5, lines 50-55).

Considering claim 8, Menard discloses a television system characterized in that said broadcaster updates said memory means with real time program information (The system offers instant alerts to events as they occur. Television feed can be automatically organized as they occur. - col. 9, lines 54-64).

Considering claim 11, Menard discloses a television system characterized in that the format of the program information identified in response to said user's query is determined by the broadcaster. Menard discloses receiving closed caption text from broadcaster. Accordingly, the format of program information is determined by broadcaster (col. 4, lines 54-60, col. 6, lines 39-46).

Considering claim 17, Menard discloses a method characterized in that said stored program information includes closed caption data (col. 2, lines 50-58, col. 5, lines 5-10, col. 6, lines 4-6).

Considering claim 19, Menard discloses a method characterized in that the memory (20 – figure 1) searched is located at the broadcast data receiver (col. 5, lines 50-55).

3. Claim 1, 6, 14, 15, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Aristides et al. (5,630,119).

Considering claim 1, Aristides discloses a television system including a display screen (28a-28d – figure 1), a broadcast data receiver (26a-26d- figure 1) for receiving digital data via terrestrial, cable or digital means from a broadcaster and generating visual/audio and/or auxiliary data therefrom (col. 2, lines 66-67, col.3, lines 1-5), said television system including memory means (70 – figure 1) for storing data relating to

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program information (col. 4, lines 27-37) characterize in that said television system is provided with a search facility (col. 4, lines 24-28) to allow a user to search said memory means by generating a user request for program information, and said television system is capable of matching the request with any corresponding program information in said memory means for display on said display screen (col. 4, lines 24-28).

Considering claim 6, Aristides discloses a television system according to claim 1 characterized in that said memory means is located at the broadcaster (Aristides discloses a television system comprising of a headend (22 – figure 1) wherein video streams are stored from which a user can select video streams to view. -col 3, lines 29-36).

Considering claim 14, Aristides discloses a television system including a display screen (28a-28d – figure 1), a broadcast data receiver (26a-26d – figure 1) for receiving digital data via terrestrial, cable or digital means from a broadcaster and generating visual/ audio therefrom (col. 2, lines 66-67, col. 3, lines 1-5), said broadcaster including memory means (70 – figure 1) for storing subtitle and/or closed caption data relating to program information (col. 4, lines 27-37) characterized in that said television system is provided with a search facility (col. 4, lines 24-28) to allow a user to search said memory means by generating a user request for program information, and said television system is capable of matching the request with any corresponding program information in said memory for display on said display screen (col. 4, lines 24-28).

Considering claim 15, Aristides discloses a television system characterized in that all or selective data contained in aid memory means at said broadcaster is sent to memory means in said broadcast data receiver for searching by a user (The EPG (210 – figure 5) optionally maintains a primary record cache (220 – figure 5) in the STB containing a set of the program data records from the headend which are most likely to be used by the electronic program guide. When the record cache contains records needed by the EPG, the EPG uses the records from the record cache and no requests are made to the headend – see col. 6, lines 19-32).

Considering claim 16, Aristides discloses a method of obtaining program information in a television system in response to a user's query, said television system including a display screen (28a-28d - figure 1), a broadcast data receiver (26a-26d - figure 1, col. 2, lines 66-67, col. 3, lines 1-5) for receiving digital data via terrestrial, cable or digital means from a broadcaster (22 – figure 1, col. 2, lines 57-65, col. 3, lines 16-29) and generating visual/audio data (program data – col. 3, lines 16-29) therefrom, said television system including memory means for storing data relating to program information (70-figure 1, col. 4, lines 28-44) characterized in that said method includes the steps of inputting a query (col. 4, lines 23-28) into said television system, searching said memory means (figure 3, col. 5, lines 43-59) for program information relating to said query displaying on said display screen identified program information corresponding to said query (col. 4, lines 24-28).

As for claim 18, Aristides discloses a method in which a user could key word search to identify a particular show located at the headend (22-figure 1, col.4, lines 24-28). The headend includes a continuous media server containing video streams which a user can select for viewing at any time (col. 3, lines 29-36) and a database server (70-figure 1) which contains an SQL (90-figure 1) database which holds pointers to locations within the storage subsystem of continuous media server (68 – figure 1, lines 28-28).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3, 4, 9, 10, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard in view of Legall (6,005,565).

As for claim 3, Menard fails to disclose a television system in which said memory means contains descriptions of programs.

In an analogous art, Legall discloses a television system in which providers of satellite broadcasts provide electronic program guide streams from which receiver devices can generate electronic program guides visible to the user. The information

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typically includes the title, abstract of the program, duration of the program, time of broadcast, and lead actors in the program (col. 5, lines 4-10).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Menard's system to include a description of the program in said memory means, as taught by Legall for the advantage of providing a brief summary of the program which may be of particular interest to the viewer.

As for claim 4, Menard fails to disclose a television system comprising of a user query box provided on the display screen for a user to type in their search request.

In an analogous art, Legall discloses a television system in which a user, using a search tool window (302 – figure 3A), can establish the topics that form elements of a filter that is input to a search engine (306 – figure 3A). The search engine interacts with different information resources (col. 3, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Menard's system to include a television comprising of a user query box provided on the display screen for a user to type in their search request, as taught by Legall, for the advantage of providing the user a visual entry technique to enable user to have access to input data to be searched.

As for claim 9, Menard fails to disclose a television system characterized in that the program information identified corresponding to the user's request includes any or

any combination of the time of showing the identified program, the length of the program, and a summary of the program shown.

In an analogous art, Legall discloses a television system in which providers of satellite broadcasts provide electronic program guide streams from which the receiver devices can generate electronic program guides visible to the user. This information typically includes the title, abstract of the program, duration of the program, and time of broadcast (col. 5, lines 4-10).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Menard's system to include program information identified corresponding to the user's request including any or any combination of the time of showing the identified program, the length of the program, and a summary of the program shown, as taught by Legall, for the advantage of providing additional information which may be of particular interest to the user.

As for claim 10, Menard fails to disclose a television system characterized in that the program information identified corresponding to a user's request includes electronic program guide information.

In an analogous art, Legall discloses a television system in which the programming information received through receiver (105 – figure 1), the system (100 – figure 1) can generate an electronic program guide (EPG) on the display (120 – figure 1) (col. 2, lines 19-25).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Menard's system to include EPG information corresponding to a user's request displayed, as taught by Legall for the advantage of providing additional information which may be of particular interest to the user.

As for claim 13, Menard fails to disclose a television system characterized in that requested information is stored in said memory means in a saved format.

In an analogous art, Legall discloses a television system in which a use can maintain filter logs that reflect the filter terms used to perform the search. These logs can be selected, such that the search can be re-performed at a later time (col. 3, lines 57-63).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Menard's system to include requested information stored in said memory means in saved format for the advantage of providing the search history so that the search can be re-performed at a later time (col. 3, lines 57-63).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard in view of Herrington (6,865,746).

Considering claim 12, Menard fails to disclose a television system characterized in that the format of the program information identified in response to said user's query is determined by the user and is selectable via an options menu.

In an analogous art, Herrington discloses a television system wherein when a user requests that the system locate programs that are related to a given program, the program guide provides the user with an opportunity to configure search parameters for searching for related programs based on attributes (see figure 7C, options menu) of the user-selected program. The program guide then locates program listings based on the user-configured search parameters (132 – figure 6, col. 8, lines 29-36, figure 7A, col. 10, lines 15-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Menard's system to include an options menu as taught by Herrington for the advantage of providing a visual interface in which the user selects attributes such as program genre, actors, rating, channel, director, etc. to assist the user in narrowing down a search of interest to the user.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC


CHRIS GRANT
PRIMARY EXAMINER